



ADMINISTRATIVE MEMORANDUM - Protection and Safety: #3-99

September 16, 1999

To: Protection and Safety Workers  
Protection and Safety Supervisors

From: Chris Hanus, Protection and Safety Division Administrator  
Mark Martin, Protection and Safety Division Administrator  
Roxie Cillessen, Southeast Service Area Protection and Safety Administrator  
Kathy Carter, Western Service Area Protection and Safety Administrator  
Michelle Eby, Southwest Service Area Protection and Safety Administrator  
Jana Peterson, Central Service Area Protection and Safety Administrator  
Cindy Williams, Northern Service Area Protection and Safety Administrator

RE: New Notification Letters to Subjects of Child Abuse/Neglect Reports

Review of the current letters has occurred by Protection and Safety staff from both a program and legal perspective. As a result, changes have been made to each of the three existing letters and an additional fourth letter has been created. These changes are planned to be reflected in the N-FOCUS Application during October 1999. Until then, staff are welcome to use either the current or new versions of the three existing letters, but are expected to begin using the newly added fourth version immediately.

Below is a summary of changes made to each of the attached letters:

1. Used when case status determination is **Unfounded**. Changed the last sentence of the first paragraph from, "You were named in a recent report alleging \_\_\_\_." to "You were named in report number \_\_\_\_ alleging \_\_\_\_."
2. Used when case status determination is **Inconclusive**.
  - Changed the last sentence of the second paragraph from "Inconclusive means there was credible evidence that child abuse or neglect occurred." to "Inconclusive means that the evidence indicates more likely than not that child abuse or neglect occurred."
  - Changed the first sentence of the third paragraph from, "If you disagree with the entry of your name on the Central Register, you may request it be removed" to "If you believe the information in the Central Register relating to the subject of this letter is inaccurate or has not been maintained in a manner consistent with law, you may request it be removed, amended, or expunged."
3. Used when case status determination is **Court Substantiated**. Same as #2, bullet two.

4. Used when case status determination is **Petition to be Filed**. Previously, no such letter existed. However, Nebraska Revised Statutes, 28-720 defines the Central Register as inclusive of this finding such that a notification letter is in order.

'Petition to be filed' means that a criminal complaint, indictment, or information or a juvenile petition under section 43-247(3)(a), has been filed in District Court, County Court, or Separate Juvenile Court, and that the allegations of the complaint, indictment, information, or juvenile petition relate or pertain to the same subject matter as the report of abuse or neglect. This is a temporary finding which requires updating once a court decision is made.

# NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



DEPARTMENT OF SERVICES • DEPARTMENT OF REGULATION AND LICENSURE  
DEPARTMENT OF FINANCE AND SUPPORT

STATE OF NEBRASKA

MIKE JOHANNIS, GOVERNOR

Dear \_\_\_\_\_:

The Department of Health and Human Services and your local law enforcement agency are required by state law to investigate reports of child abuse and neglect. The Department is also required to maintain a computerized record of reports of child abuse and neglect. This computerized record is called the Central Register. You were named in report number \_\_\_\_\_ alleging \_\_\_\_\_.

The Department of Health and Human Services and/or law enforcement have completed their investigation regarding this report and your role in that incident(s). Based on the information obtained during this investigation, it has been determined that the report will be considered unfounded. Therefore, your name will not be entered on the Central Register.

If you have questions, please contact me.

Sincerely,

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STATE OF NEBRASKA

MIKE JOHANNS, GOVERNOR

Dear \_\_\_\_\_:

The Department of Health and Human Services and your local law enforcement agency are required by state law to investigate reports of child abuse and neglect. The Department and/or law enforcement have completed their investigation into report number \_\_\_\_\_ alleging

\_\_\_\_\_ and your role in that incident(s). Based on the information obtained during this investigation, it has been determined that you were responsible for the alleged \_\_\_\_\_.

The Department is also required by state law to maintain a computerized record of reports of child abuse and neglect. This computerized record is called the Central Register. By state law, your name will be entered on the Central Register, and the report will be listed as "Inconclusive". Inconclusive means that the evidence indicates more likely than not that child abuse or neglect occurred.

If you believe the information in the Central Register relating to the subject of this letter is inaccurate or has not been maintained in a manner consistent with law, you may request it be removed, amended, or expunged. To do this, please send a written request to: Nebraska Department of Health and Human Services, Attention: Protection and Safety Division, P.O. Box 95044, Lincoln, Nebraska 68509-5044. Be sure to include your current address and phone number.

Your name may have been entered on the Central Register after an earlier investigation. If you want the Department to review all entries which identify you as responsible for child abuse or neglect, it is important that Department staff are able to correctly identify you. To do so, please send your full name, other names you have used, your date of birth, the names of children who have lived with you, and addresses where you have lived for at least the last twenty years. Your explanation of what happened and any other information in support of your request will also be considered. You may want to include letters from your therapist showing that you successfully completed your treatment program, attended parenting classes, or participated in other recommended services, for example.

If the Department decides your name should remain on the Register, or does not respond to your request in 30 days, you have the right to request a fair hearing. Requests for a fair hearing should be in writing and should be sent to: Nebraska Department of Health and Human Services, Attention: Legal Services Division--West Campus, P.O. Box 94728, Lincoln, Nebraska 68509-4728.

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The Department is also required by state law to maintain a computerized record of reports of child abuse and neglect. This computerized record is called the Central Register. By state law, your name will be entered on the Central Register, and the report will be listed as "Court Substantiated".

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The Department is also required by state law to maintain a computerized record of reports of child abuse and neglect. This computerized record is called the Central Register. By state law, your name will be entered on the Central Register, and the report will be listed as "Petition to be filed". Petition to be filed means that allegations indicating possible abuse or neglect are pending in a court of law. When those allegations are resolved, the Department will enter a permanent finding on the Central Register of Court Substantiated, Inconclusive, or Unfounded, as is appropriate. You will be notified accordingly.

If you believe the information in the Central Register relating to the subject of this letter is inaccurate or has not been maintained in a manner consistent with law, you may request it be removed, amended, or expunged. To do this, please send a written request to: Nebraska Department of Health and Human Services, Attention: Protection and Safety Division, P.O. Box 95044, Lincoln, Nebraska 68509-5044. Be sure to include your current address and phone number.

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